

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.351 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- District- Nalanda

Subhash Kumar @ Rohit @ Rohit Kumar aged about 28 years, (M) Son of Sri Chandra Deep Yadav @ Chandradeep Prasad Village-Masiandih, P.S.- Bind, District- Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 25-02-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated **10.09.2018** passed by learned **1st Additional Sessions Judge, Nalanda at Biharsharif** in connection with **Bind P.S. Case No. 45 of 2018** registered under Sections 302, 201 and 120-B of the IPC and Section 3(2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that on 16.05.2018 at about 11:00 A.M his wife Madhuri Devi aged about 37 years told him that she was going to Nepura, However, she did not return till evening and thereafter her dead body was



found on 17.05.2018 in the morning. FIR has been instituted against unknown persons.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case only on suspicion. Appellant is not named in FIR. As per the postmortem report her death has been caused by sharp cutting and hard and blunt object. It has been further submitted that similarly placed co-accused, Bablu Kumar, has been granted bail by this Court vide order dated 13.02.2019 passed in Cr. Appeal (SJ) No. 4754 of 2018. Appellant has got no criminal antecedent and is in custody since 23.05.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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